

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA**

IN RE: CROP PROTECTION PRODUCTS
LOYALTY PROGRAM ANTITRUST
LITIGATION

No. 1: 23-md-03062-TDS-JEP

This document relates to: ALL ACTIONS

**MOTION TO APPOINT DICELLO LEVITT LLC AND
PRETI, FLAHERTY, BELIVEAU & PACHIOS, CHARTERED, LLP
AS INTERIM CO-LEAD CLASS COUNSEL AND
MULLINS DUNCAN HARRELL & RUSSELL PLLC AS LIAISON COUNSEL**

Pursuant to Rule 23(g) of the Federal Rules of Civil Procedure and the Court’s Case Management Order No. 1, (ECF No. 31), DiCello Levitt LLC (“DiCello Levitt”), Preti, Flaherty, Beliveau & Pachios, Chartered, LLP (“Preti Flaherty”), and Mullins Duncan Harrell & Russell PLLC (“Mullins Duncan”) (together, “Movants”), respectfully move this Court for appointment of DiCello Levitt and Preti Flaherty as interim co-lead class counsel and Mullins Duncan as liaison counsel in the above-captioned class action matter. In support of this Motion, Movants show the following:

1. Movants are best able to represent the interests of the class as required under Rule 23(g) for the reasons set forth herein and in their supporting brief.
2. Movants have thoroughly investigated the potential claims in this action.

3. Movants have substantial expertise litigating complex antitrust class actions, as well as unique industry experience; moreover, they possess deep knowledge of the applicable law.

4. Movants possess and will commit the necessary resources to effectively represent the best interests of the class.

5. Other pertinent factors are appropriate to consider and weigh in favor of appointing Movants to lead this action. These factors include Movants' diverse slate of attorneys, Movants' lean and efficient leadership structure, and Movants' governmental experience, which will facilitate coordination with the Federal Trade Commission and state attorneys general on the related cases.

6. Proposed interim co-lead class counsel—DiCello Levitt and Preti Flaherty—are two of the nation's leading antitrust firms with decades of antitrust and complex class action litigation experience. Proposed liaison counsel—Mullins Duncan—is a highly-regarded firm in Greensboro, and the lawyers who will work on this case began their careers in this Court as law clerks and are regular practitioners here, having tried multiple cases in this District.

7. Movants' lean structure will result in efficiencies and economies, such as reduced costs for the proposed class, which will translate into more funds for class members—American farmers—if there is a recovery.

8. Movants distinguish themselves by their extensive agricultural industry and generic products industry experience, from which they can draw to effectively litigate the

action. In addition, among the firms applying to lead this case, only DiCello Levitt can say it will bring efficiencies to this action from its experience currently serving on the steering committee of another antitrust case on behalf of farmers against the same defendants here.

9. In further support of this Motion, Movants submit their supporting brief, with its attached exhibits, filed contemporaneously herewith.

WHEREFORE, for the foregoing reasons, including those set forth in their supporting brief, Movants respectfully request that the Court appoint DiCello Levitt and Preti Flaherty as interim co-lead class counsel and Mullins Duncan as liaison counsel in this action.

Date: April 20, 2023

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III*

CERTIFICATE OF SERVICE

The undersigned hereby certifies that the foregoing document has been filed electronically with the Clerk of the Court using the CM/ECF system, which will send notification of such filing to counsel of record in this action.

This the 20th day of April, 2023.

/s/ Allison Mullins

Allison Mullins